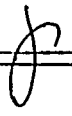


SENATE

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Prepared by the Committees on Labor, Employment and Human Resources Development; Foreign Relations; Civil Service, Government Reorganization and Professional Regulation; and Finance with Senators Pimentel, Villar, Go, Tolentino, Marcos, Revilla, Recto, Pacquiao, Zubiri, Villanueva, and Dela Rosa as authors thereof.

AN ACT
CREATING THE DEPARTMENT OF MIGRANT WORKERS AND OVERSEAS FILIPINOS, DEFINING ITS POWERS AND FUNCTIONS, RATIONALIZING THE ORGANIZATION AND FUNCTIONS OF GOVERNMENT AGENCIES RELATED TO OVERSEAS EMPLOYMENT AND MIGRATION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **Section 1. Short Title.** – This Act shall be known as the “Department of
2 Migrant Workers and Overseas Filipinos Act” (DMWOFA).

3 **Sec. 2. Declaration of Policies.** –

4 a. It is the primordial duty of the State to protect the rights and promote the
5 welfare and interest of Overseas Filipino Workers (OFWs) and other Overseas
6 Filipinos (OFs);

7 b. It is the duty of the State to uphold the dignity of labor and enhance its
8 bargaining position in both domestic and international conditions. The State
9 shall protect the welfare of all Filipinos, particularly those working and/or
10 residing abroad, provide social protection and minimize the social costs of
11 migration to their families at home, execute programs to sustain them when

1 they return from abroad, including the establishment of a provident fund that
2 will provide retirement, death, and disability benefits to OFWs, and harness the
3 robust contribution of Filipino communities outside of the country towards
4 nation-building, utilizing a whole-of-government and whole-of-society
5 approach;

6 c. While recognizing the significant contribution of OFWs and other OFs to the
7 national economy through their foreign exchange remittances and investments,
8 the State does not promote overseas employment as a means to sustain
9 economic growth and achieve national development. The State's overseas
10 employment program rests solely on the assurance that the dignity and human
11 rights of OFWs shall neither be compromised nor violated. Towards this end,
12 the State shall continuously aim to make overseas employment a choice and
13 not a necessity for every Filipino citizen, and to institute measures that will
14 strengthen the domestic labor market and facilitate the effective reintegration
15 of OFWs and other OFs;

16 d. In the pursuit of an independent foreign policy and while considering national
17 sovereignty, territorial integrity, national interest, and the right to self-
18 determination paramount in its relations with other states, the State shall, at
19 all times, uphold the dignity of its citizens, whether in-country or overseas,
20 continuously ensure implementation of bilateral agreements with countries of
21 destination and monitor international conventions and related instruments in
22 order to adopt or ratify those agreements that guarantee protection to OFWs
23 and other OFs;

24 e. The State shall afford full protection to OFWs, ensure equal work opportunities
25 regardless of sex, gender, race, ethnicity, color, disability, creed or religion, and
26 protect their rights to just and humane conditions of work. Towards this end,
27 the State shall provide adequate and timely social, economic, and legal services
28 to OFWs and monitor the relations between OFWs and their employers. The

1 State shall also ensure that such assistance and services are also afforded to
2 other OFs;

3 f. The State affirms the fundamental equality before the law of men and women
4 and the significant role of women and the youth in nation-building. In
5 recognizing the particular vulnerabilities of women, especially those who are
6 working abroad, and their children, the State shall apply gender-sensitive and
7 child-sensitive criteria in the formulation and implementation of its policies and
8 programs. The State shall formulate policies to further the protection and
9 assistance to Filipino children abroad;

10 g. Free access to the courts, quasi-judicial bodies, and adequate legal assistance
11 shall not be denied to any person by reason of poverty. In this regard, it is
12 imperative that an effective mechanism be instituted by the State to ensure
13 that the rights and interests of OFWs and other OFs in distress, whether
14 documented or undocumented, are adequately protected and safeguarded;

15 h. The State shall recognize and guarantee the right of all OFWs and other OFs,
16 to participate in the democratic decision-making processes of the State and to
17 be represented in institutions relevant to them;

18 i. The State recognizes non-governmental organizations, trade unions, workers
19 associations, business organizations and other stakeholders as partners of the
20 State in the protection of OFWs and other OFs and the promotion of their
21 welfare. The State shall nurture and uphold mutual trust and respect in areas
22 of cooperation;

23 j. The State shall protect every citizen desiring to work locally or overseas by
24 securing for the citizen the best possible terms and conditions of employment.
25 The State shall endeavor to facilitate a free choice of available employment by
26 persons seeking work and regulate the movement of workers in conformity
27 with the national interest;

- 1 k. The State affirms that the Filipino family, as a basic autonomous social
2 institution, is the foundation of the nation. Accordingly, the solidarity of the
3 families of OFWs and other OFs shall be strengthened and their total
4 development shall be actively promoted;
- 5 l. The State recognizes that the most effective tool for empowerment and
6 protection of rights of OFWs and other OFs is their possession of appropriate
7 skills. To this end, the government shall embark on a robust expansion of skills
8 development and enhancement programs of the concerned agencies and shall
9 facilitate access of OFWs and other OFs to these programs. The State shall also
10 pursue bilateral and multilateral agreements on skills qualification, certification
11 and matching;
- 12 m. The State adheres to ratified international conventions and bilateral or
13 multilateral treaties on migration and commits to the progressive realization of
14 the objectives of the Global Compact for Safe, Orderly and Regular Migration
15 (GCM). To this end, it shall progressively align the country's migration and
16 development programs and policies towards substantial compliance with
17 ratified conventions and commitments in the GCM, and to conduct periodic and
18 inclusive reviews of the progress at the national level, among others.

19 **Sec. 3. Definition of Terms.** – As used in this Act, the following terms and
20 phrases are defined as follows:

- 21 a. Assistance to Nationals (ATN) – refers to services provided by the Philippine
22 Government to OFWs and other OFs in distress which may be in the form of
23 repatriation, medical assistance, shipment of remains, legal assistance and
24 representation, rescue, evacuation, financial assistance or any other analogous
25 help or intervention to ensure that the Filipino national's human rights and
26 welfare are protected, respected, and fulfilled;

- 1 b. Ethical recruitment – refers to the lawful hiring of workers in a fair and
2 transparent manner that respects and protects their dignity and human rights;
- 3 c. Overseas Filipinos (OF) – refers to Filipinos who are outside of the Philippines,
4 whether permanent or temporary, documented or undocumented, such as
5 OFWs and their families, tourists, pilgrims, students, trainees, and religious
6 missionaries;
- 7 d. In distress, when used in relation to an OFW or other OF – refers to an OFW
8 or other OF, as the case may be, who has a medical, psychosocial, or legal
9 problem, or is experiencing abuse or exploitation, or whose human rights are
10 being violated, or is in a country in actual or potential war, civil unrest,
11 pandemic or other analogous circumstances and situations, and requires
12 medical treatment, hospitalization, counseling, legal representation, rescue,
13 repatriation, or any other kind of analogous intervention, including the
14 repatriation of remains;
- 15 e. License – refers to the document issued by the Secretary of the Department
16 authorizing a natural or juridical person to operate a private recruitment or
17 manning agency;
- 18 f. Manning agency – refers to a natural or juridical person duly licensed by the
19 Secretary of the Department to engage in the recruitment and placement of
20 seafarers;
- 21 g. Overseas employment – refers to employment outside the Philippines;
- 22 h. Overseas Filipino Worker (OFW) – refers to a Filipino who is to be engaged, is
23 engaged, or has been engaged in remunerated activity outside the Philippines,
24 whether land-based or sea-based; Provided, That a Filipino who is qualified
25 under a government-recognized exchange visitor program for cultural and
26 educational purposes and not primarily for employment purposes, even if

1 remunerated, is not considered an OFW. For purposes of this provision, a
2 person engaged in remunerated activity covers a person who has been
3 contracted for overseas employment but has yet to leave the Philippines. The
4 term "OFW" is synonymous to "Migrant Worker;"

5 i. Recruitment agency – refers to a natural or juridical person duly licensed by
6 the Secretary of the Department to engage in the recruitment and placement
7 of land-based OFWs;

8 j. Reintegration program – refers to a measure or a set of measures intended for
9 mainstreaming and sustainable return of OFWs and other OFs into Philippine
10 society, including, but not limited, to livelihood projects, wellness programs,
11 financial literacy programs and other similar projects; Provided, that
12 reintegration programs shall be based on the specific needs and skills of the
13 returning OFWs and other OFs; and

14 k. Seafarer – refers to an OFW who is engaged in employment in any capacity on
15 board a merchant marine vessel plying international waters or other sea-based
16 craft of similar category. For purposes of this Act, it shall include fisherfolk as
17 defined under relevant maritime conventions, cruise ship personnel, yacht
18 crew, those serving on mobile offshore and drilling units in the high seas, and
19 other persons similarly situated.

20 **Sec. 4. Creation.** – The Philippine Overseas Employment Administration
21 (POEA) created under Executive Order No. 247, Series of 1987, as amended, is hereby
22 constituted as the Department of Migrant Workers and Overseas Filipinos, hereinafter
23 referred to as "the Department". The Department is hereby organized structurally and
24 functionally in accordance with the provisions of this Act.

1 **Sec. 5. Mandate.** – The Department shall absorb all the functions and
2 mandate of the Philippine Overseas Employment Administration and shall be the
3 primary agency under the Executive Branch of the government tasked to protect the
4 rights and promote the welfare of OFWs and other OFs. It shall formulate, plan,
5 coordinate, promote, administer, and implement policies, and undertake systems for
6 regulating, managing, and monitoring the overseas employment of Filipino workers
7 and reintegration of OFWs and other OFs, while taking into consideration the national
8 development programs formulated by the National Economic and Development
9 Authority (NEDA). It shall also promote the empowerment and protection of Filipinos
10 working overseas by empowering and training them to gain appropriate skills and by
11 ensuring access to continuous training and knowledge development.

12 **Sec. 6. Powers and Functions.** – To carry out its mandate, the Department
13 shall:

14 a. Formulate, recommend, and implement national policies, plans, programs, and
15 guidelines that will ensure the protection of OFWs and other OFs, the promotion
16 of their interests, the timely and effective resolution of their problems and
17 concerns, and their effective reintegration to Philippine society;

18 b. Regulate the recruitment, employment, and deployment of OFWs;

19 c. Investigate, initiate, sue, pursue, and help prosecute, in coordination with the
20 Department of Justice (DOJ) and the Inter-Agency Council Against Trafficking
21 (IACAT), illegal recruitment and human trafficking cases as defined under
22 Republic Act No. 8042, as amended by Republic Act No. 10022, otherwise
23 known as the Migrant Workers and Overseas Filipinos Act, as amended, and as
24 provided under Republic Act No. 9208, as amended by Republic Act No. 10364,
25 otherwise known as the Anti-Trafficking in Persons Act, and other existing laws
26 and other issuances;

- 1 d. Conduct, in coordination with relevant stakeholders, comprehensive studies on
2 policy areas, international best practices and strategies that will ensure
3 protection of OFWs and other OFs and address perennial issues that they
4 encounter;
- 5 e. Protect and promote the welfare, well-being, and interests of the families of
6 OFWs and other OFs in accordance with this Act;
- 7 f. Build, in coordination with the Department of Foreign Affairs (DFA), the
8 Department of Labor and Employment (DOLE), and other relevant agencies,
9 strong and harmonious partnerships with counterpart and relevant agencies in
10 foreign countries in order to facilitate the implementation of strategies and
11 programs for the protection and promotion of the rights and well-being of OFWs
12 and other OFs and their families, and to continuously monitor economic,
13 political, and labor developments therein;
- 14 g. Assess, review, harmonize, and provide, in coordination with the DFA and with
15 due regard to the inputs of stakeholders, technical inputs and guidance on the
16 negotiation and implementation of bilateral and multilateral agreements,
17 initiatives and programs, including intergovernmental processes, which
18 primarily concern migration;
- 19 h. Represent, in coordination with the DFA, interests pertaining to OFWs or other
20 OFs in bilateral and multilateral fora and international bodies;
- 21 i. Provide comprehensive, effective and timely social, welfare, ATN and
22 reintegration services, and other relevant services throughout the whole
23 migration cycle from pre-departure, on-site to reintegration;

- 1 j. Provide, in cooperation with the Department of Education (DepEd), the
2 Commission on Higher Education (CHED), the Technical Education and Skills
3 Development Authority (TESDA), the Maritime Industry Authority (MARINA),
4 and other government agencies, civil society organizations, non-governmental
5 organizations and the private sector, trainings aimed at promoting the global
6 competitiveness of OFWs and other OFs, as well as job matching services to
7 persons desiring to become OFWs;
- 8 k. Encourage and enhance information and resource sharing among related
9 agencies, develop an electronic database to improve services for OFWs and
10 other OFs in accordance with Section 19 of this Act;
- 11 l. Regulate the operations of private recruitment and manning agencies involved
12 in the deployment of OFWs abroad to protect the interests and well-being of
13 these workers;
- 14 m. Foster the professionalization, promote ethical recruitment practices, and
15 ensure compliance with legal and ethical standards, training, and capacity-
16 building of private recruitment and manning agencies;
- 17 n. Establish a 24/7 Emergency Response and Action Center Unit and media and
18 social media monitoring center to respond to the emergency needs of OFWs
19 and other OFs and their families;
- 20 o. Promulgate rules and regulations, upon due consultation with stakeholders, for
21 the implementation of pertinent laws and policies relating to OFWs and other
22 OFs;
- 23 p. Perform all the powers, functions, and responsibilities assigned to all agencies,
24 offices, or units to be transferred to, or absorbed by, the Department pursuant
25 to the consolidation mandated by this Act;

- 1 q. Assume all powers, functions, and responsibilities assigned to the DOLE relating
2 to OFWs and other OFs provided for under the Migrant Workers and Overseas
3 Filipinos Act, Republic Act No. 10801 or the Overseas Workers Welfare
4 Administration Act, and other related laws, including the administration, in
5 coordination with the DOH, of hospitals created for OFWs and other OFs, if any.
- 6 r. Require private recruitment and manning agencies to provide comprehensive
7 insurance to the OFWs they deploy in accordance with law; Provided, That with
8 respect to OFWs deployed thru other arrangements, a substantially similar
9 benefit shall be provided to the concerned OFW;
- 10 s. Develop and create a training institute that will provide substantive, analytical
11 and strategic leadership training programs meant to equip employees of the
12 Department, especially those who will be working overseas, with necessary
13 knowledge and skills, such as, but not limited, to the language, customs,
14 traditions, and laws of the foreign countries where OFWs and OFs are located,
15 with due regard to the training services being provided by the Foreign Service
16 Institute of the DFA. The training shall also include effective means and
17 methods in handling the concerns of OFWs and other OFs;
- 18 t. Develop and create an institute for advanced and strategic studies on migration
19 and development, which shall, among others, conduct advanced, strategic and
20 up-to-date studies and research on global migration and development trends;
21 and
- 22 u. Perform such other functions as may be necessary to achieve the objectives of
23 this Act.

24 The exercise of the powers and functions of the Department shall in no way limit,
25 restrict or affect the pursuit of an independent foreign policy in the conduct of foreign
26 affairs.

1 **Sec. 7. Composition.** – The Department shall consist of the Department
2 Proper comprising of the Office of the Secretary, the Offices of the Undersecretaries
3 and Assistant Secretaries, the Service Units, the Bureaus, Regional offices, and
4 Overseas offices, which shall be called Migrant Workers and Overseas Filipinos Offices
5 (MWOFF).

6 The Secretary shall be appointed by the President, subject to confirmation by
7 the Commission on Appointments in accordance with the Constitution. The
8 Undersecretaries and Assistant Secretaries shall likewise be appointed by the
9 President upon the recommendation of the Secretary.

10 **Sec. 8. The Secretary.** – The authority and responsibility for the exercise of
11 the mandate, powers, and functions of the Department shall be vested in the
12 Secretary of the Department, who shall exercise supervision and control over the
13 Department.

14 For such purposes, the Secretary shall have the following powers and functions:

15 a. Provide executive direction, supervision, and control over the entire operations
16 of the Department and its attached agency, as provided by law and in
17 accordance with the applicable relationships as specified in the Administrative
18 Code;

19 b. Establish policies and standards for the effective, efficient, and economical
20 operation of the Department, consistent with the programs of the government;

21 c. Issue orders, directives, rules, regulations, and other issuances, upon due
22 consultation with stakeholders, to carry out policies, plans, programs, or
23 projects pursuant to the provisions of this Act, and exercise such other powers
24 as may be required to implement and realize the objectives of this Act;

- 1 d. Negotiate with foreign countries' governments, in coordination and cooperation
2 with the DFA, DOLE, and other relevant agencies and with due regard to the
3 inputs of stakeholders, treaties, agreements, pacts, and other similar
4 instruments concerning OFWs and other OFs;
- 5 e. Evaluate policies, plans, programs, projects, performance and
6 accomplishments of the Department, and prepare an annual report that shall
7 be submitted to the Congressional Oversight Committee provided under Section
8 26 of this Act and be made available to the public thru its website or any other
9 means that will ensure broad dissemination of its contents;
- 10 f. Advise the President on the promulgation of executive and administrative
11 orders and on the formulation of necessary regulatory and legislative proposals
12 on matters pertaining to OFWs and other OFs;
- 13 g. Administer and manage the AKSYON Fund as provided under Section 14 of this
14 Act and other appropriations given to the Department and issue guidelines for
15 the proper and efficient utilization thereof;
- 16 h. Act as Chairperson of the Overseas Workers Welfare Administration (OWWA)
17 Board;
- 18 i. Sit as a member of the IACAT created under the Anti-Trafficking in Persons Act,
19 as amended;
- 20 j. Propose the creation of additional offices and positions, in coordination with
21 the Department of Budget and Management (DBM) and the Civil Service
22 Commission (CSC), as may be necessary to fulfill its mandate pursuant to the
23 provisions of this Act; and

1 k. Perform such other tasks as provided for under existing laws, including the
2 functions of the POEA Administrator under Executive Order No. 247, the
3 Migrant Workers and Overseas Filipinos Act, as amended and other laws.

4 **Sec. 9. Structure of the Department.** – The Secretary shall be assisted by
5 four (4) Undersecretaries and by an appropriate number of Assistant Secretaries as
6 provided under this Act. The Secretary shall have the authority to assess and evaluate,
7 and on the basis of which, transfer, delineate, reassign, or reorganize the functional
8 areas or responsibilities of each office as he may deem necessary. The Secretary may
9 recommend the creation of additional offices of Undersecretary and/or Assistant
10 Secretary and other positions as may be necessary, subject to existing laws, rules,
11 and regulations.

12 The following offices are hereby created, each to be headed by an
13 Undersecretary and assisted by other officers and staff:

14 a. Office of the Undersecretary for Internal Management and Administration,
15 which shall take over the functions of the POEA Deputy Administrator for
16 Management Services. The Office of the Undersecretary for Internal
17 Management and Administration shall have the following additional functions:

18 1. Provide the Department with efficient, effective, and economical services
19 relating to records management, supplies, equipment, collections,
20 disbursements, building administration and maintenance, security, and
21 custodial work;

22 2. Administer personnel programs including selection and placement,
23 development, performance evaluation, employee relations, and welfare;

24 3. Supervise and control the operational activities of one (1) Assistant
25 Secretary; and

- 1 4. Perform such other functions as may be provided by law or assigned by
2 the Secretary.
- 3 b. Office of the Undersecretary for Foreign Employment and Welfare Services. The
4 Office of the Undersecretary for Foreign Employment and Welfare Services shall
5 take over the functions of the POEA Deputy Administrator for Employment and
6 Welfare. It shall also subsume all the functions of the Office of the
7 Undersecretary for Migrant Workers' Affairs (OUMWA) under the DFA, the
8 Philippine Overseas Labor Offices (POLO) under the DOLE, and the
9 International Social Services Office (ISSO) under the Department of Social
10 Welfare and Development (DSWD). It shall have the following additional
11 functions:
- 12 1. Advise and assist the Secretary in the formulation of the Department's
13 overall long-term and short-term plans and programs on overseas
14 employment;
- 15 2. Undertake program and policy coordination with the OWWA;
- 16 3. Provide prompt and appropriate response to global emergencies or crisis
17 situations affecting OFWs and other OFs, and members of their families,
18 including, but not limited to, ATN and other services, without prejudice
19 to reimbursement by the responsible principal employer or recruitment
20 or manning agency, in accordance with law;
- 21 4. Administer the AKSYON Fund provided under Section 14 hereof and
22 authorize disbursements therefrom in accordance with this Act;
- 23 5. Ensure effective coordination and cooperation with other government
24 agencies and the Philippine Foreign Service Posts in the provision of legal
25 assistance and other ATN services utilizing the AKSYON Fund;

- 1 6. Tap the assistance of the Integrated Bar of the Philippines, other bar
2 associations, legal experts on labor, migration, and human rights laws,
3 reputable law firms, civil society organizations, non-governmental
4 organizations, and the private sector, as appropriate, to complement
5 government services and resources to provide legal and other forms of
6 assistance to OFWs and other OFs in distress;

- 7 7. Manage and supervise the Migrant Workers and Overseas Filipinos
8 (MWOF) Office as created under Section 15 of this Act;

- 9 8. Develop and monitor the implementation of a full-cycle national
10 reintegration program under Section 17 of this Act;

- 11 9. Exercise control and supervision over the Assistant Secretary heading
12 each of the following units: (i) Welfare and Employment Office; (ii) Pre-
13 Employment Service Office; and (iii) the National Reintegration Center
14 for OFWs and other OFs (NRCOO) as provided under Section 17 of this
15 Act; and

- 16 10. Perform such other functions as may be provided by law or assigned by
17 the Secretary.

- 18 c. Office of the Undersecretary for Licensing and Adjudication, which shall take
19 over the functions of the POEA Deputy Administrator for Licensing and
20 Adjudication. It shall exercise control and supervision over one (1) Assistant
21 Secretary and of the regional operations of the Department.

- 22 d. Office of the Undersecretary for Policy and International Cooperation and
23 Special Overseas Filipino Concerns shall subsume all the substantive functions
24 of the International Labor Affairs Bureau (ILAB) under the DOLE, except with
25 regard to the monitoring of the compliance of the Philippines in relation to its
26 obligations, commitments, courtesies and facilities required by international

1 organizations respecting domestic labor concerns, and all the related functions
2 and mandate of the Commission on Filipino Overseas (CFO). It shall exercise
3 the following additional functions:

4 1. Monitor the observance and implementation of the Philippines'
5 obligations and commitments to migration-related international
6 organizations and treaties;

7 2. Coordinate with the DFA regarding the negotiations of treaties,
8 agreements, compacts, and other instruments that are related to labor
9 migration;

10 3. Act as the Department's advocacy arm and shall execute programs and
11 services to raise public awareness on the dangers and indicators of
12 illegal recruitment, human trafficking, mail-order-spouse schemes,
13 among others, and the different government policies and programs in
14 place that aim to address these concerns and how to access them;

15 4. Exercise control and supervision over one (1) Assistant Secretary; and

16 5. Perform such other functions as may be provided by law or assigned by
17 the Secretary.

18 There shall be an Office for Land-based OFW Concerns and an Office for Sea-
19 based OFW Concerns under the Office of the Secretary, which will cater to the needs
20 and concerns of land-based and sea-based Filipino workers, respectively. Each office
21 shall be headed by an Assistant Secretary. The National Maritime Polytechnic (NMP)
22 shall be under the control and supervision of the Office for Sea-based OFW Concerns.

23 There shall also be an Office for Internal Audit which shall conduct objective
24 evaluation of the Department's extent of compliance with its mandate, functions,
25 programs, projects, activities, and outputs.

1 **Sec. 10. *Qualifications.*** – No person shall be appointed as Secretary,
2 Undersecretary, or Assistant Secretary of the Department unless he is a citizen and
3 resident of the Philippines, of good moral character, of proven integrity and
4 competence in public administration, and has recognized expertise in governance
5 involving, and/or experience as, OFWs and other OFs.

6 No person involved in the business of recruitment and deployment of OFWs
7 and other OFs shall be appointed as Secretary, Undersecretary, or Assistant Secretary
8 of the Department. This prohibition shall likewise apply to relatives of such persons
9 up to the fourth degree of consanguinity or affinity.

10 It shall be unlawful for any official or employee of the Department or other
11 government agencies involved in the implementation of this Act, or their relatives
12 within the fourth degree of consanguinity or affinity, to engage, directly or indirectly,
13 in the business of recruitment and placement of OFWs and other OFs, where
14 applicable. Upon conviction, the penalties under the Migrant Workers and Overseas
15 Filipinos Act, as amended, shall be imposed upon them.

16 **Sec. 11. *Regional Offices.*** – The Department shall establish, operate, and
17 maintain a regional, as well as provincial or field office as may be necessary, in the
18 different administrative regions of the country, and for this purpose, all existing POEA
19 offices in the regions shall be absorbed; Provided, that within one year from the
20 implementation of this Act, there shall be at least one regional office of the
21 Department in each region; Provided further, that each regional office shall have an
22 adjudication officer who shall handle pre-employment or recruitment cases within the
23 jurisdiction of the POEA, now Department; Provided, finally, that such regional,
24 provincial and/or field offices shall, in coordination with relevant government offices,
25 serve as one-stop shop centers to ensure prompt, efficient, vital and relevant services
26 to OFWs and other OFs and their families. The one-stop shop centers will be the venue
27 for the acquisition of all relevant government clearances and permits, validation of
28 overseas job offers, availment of reintegration services and all pertinent seminars and

1 workshops for all stakeholders, among others. In all cases and as far as practicable,
2 OWWA regional offices shall be located beside the regional office of the Department.

3 **Sec. 12. *Structure and Staffing Pattern.*** – The Department shall determine
4 its organizational structure and create new divisions or units as it may deem necessary
5 at the national, regional, provincial, and in such other lower levels, and overseas, and
6 shall appoint officers and employees of the Department in accordance with Civil
7 Service laws, rules and regulations. Republic Act No. 6656, or the Government
8 Reorganization Law shall govern the organization of the Department, and the
9 reorganization of affected agencies.

10 Sixty (60) days from the approval of this Act, the Department shall present its
11 staffing pattern to the DBM for approval. This staffing pattern shall be implemented
12 effective immediately upon approval but not later than the holdover period provided
13 under Section 22 of this Act.

14 Upon the creation of the Department, the POEA Governing Board, created
15 under Executive Order No 247, series of 1987, as amended, shall be renamed as the
16 Advisory Board on Migration and Development, and shall act as advisory body to the
17 Secretary of the Department, with regard to issues on migration and development,
18 including on the matters decided by the POEA Governing Board under The Migrant
19 Workers and Overseas Filipinos Act, as amended and other existing laws. The Advisory
20 Board on Migration and Development shall be composed of the Secretary of Labor and
21 Employment, and one representative each from the land-based OFWs, sea-based
22 OFWs, the private sector and the OFs.

23 **Sec. 13. *Sectoral and Industry Task Forces and Tripartite Councils.*** –
24 The Department may create sectoral and industry task forces, technical working
25 groups, advisory bodies, or committees for the furtherance of its objectives. Additional
26 private sector representatives, such as from the OFWs and other OFs, OFW
27 organizations, non-governmental organizations, civil society organizations, the
28 academe, and private industries directly involved in the recruitment and placement of

1 OFWs and other OFs, as well as other national government agencies, local government
2 units, and government-owned and -controlled corporations, may be appointed to
3 these sectoral and industry task forces.

4 The Maritime Tripartite Council (MITC), currently lodged with the DOLE, shall
5 be transferred to the Department along with the Overseas Land-based Tripartite
6 Consultative Council (OLTCC) of the POEA, to serve as a continuing forum for tripartite
7 advisement and consultation with the industry stakeholders on policies and programs
8 pursuant to the provisions of Republic Act No. 10395.

9 **Sec. 14. *Agarang Kalinga at Saklolo para sa mga OFW at OFs na***
10 ***Nangangailangan (AKSYON) Fund.*** – The Legal Assistance Fund and the ATN
11 Fund provided under the Migrant Workers and Overseas Filipinos Act, as amended,
12 shall be consolidated into the AKSYON Fund and shall be transferred to and
13 administered by the Department in accordance with this Act. Subject to existing laws
14 and regulations, the AKSYON Fund shall be used for the provision of ATN services
15 consistent with the purposes of this Act.

16 Within thirty (30) days from the promulgation of this Act, the Secretary, in
17 consultation with relevant stakeholders, shall issue the necessary guidelines regarding
18 the use of the AKSYON Fund.

19 With the transfer of the ATN Fund to the Department, a Consular Assistance
20 Fund is hereby created for the DFA for the provision of consular services; Provided,
21 that for the first year of the implementation of this Act, such Consular Fund shall be
22 sourced from the existing ATN Fund; Provided finally, that within the period provided
23 under Section 15 hereof, a sufficient sum shall be appropriated to the DFA for the
24 performance of the functions of the MWOFF Office of the Department in areas where
25 there is yet no such office.

1 **Sec. 15. Migrant Workers and Overseas Filipinos (MWOFF) Office.** – The
2 MWOFF Office of the Philippine Foreign Service Post shall be the operating arm
3 overseas of the Department; *Provided*, That within three (3) years from the effectivity
4 of this Act, all Philippine Foreign Service Post shall have an existing and operational
5 MWOFF Office; *Provided, further*, That the Foreign Service Post with the most number
6 of, or with the most number of cases of abuse committed against, OFWs and other
7 OFS shall be prioritized.

8 The MWOFF Office shall absorb all the powers, existing functions and personnel
9 of the Philippine Overseas Labor Offices (POLO), existing ATN units of the DFA, and
10 social welfare services in all Philippine embassies and consulates, and shall perform
11 the following additional functions:

- 12 a. Ensure the promotion and protection of the welfare and interests of OFWs
13 and other OFs and assist them in all problems arising out of employer-
14 employee relationships including violation of work contracts, non-payment
15 of wages and other benefits, illegal dismissal, and other violations of the
16 terms and conditions of their employment;
- 17 b. Verify employment contracts and other employment-related documents;
- 18 c. Monitor and report to the Secretary on situations and policy developments
19 in the receiving country that may affect OFWs and other OFs in particular
20 and Philippine labor policies, in general;
- 21 d. Pursue, in coordination with the Philippine Embassy or Consulate,
22 discussion on labor and other issues and concerns with the foreign
23 government and/or the embassies concerned, and international
24 organizations;
- 25 e. Supervise and coordinate the operations of the Migrant Workers and Other
26 Overseas Filipinos Resource Center (MWOOFRC);

- 1 f. Provide social and welfare programs and services to OFWs and other OFs,
2 including social assistance, education and training, cultural services,
3 financial management, reintegration, and entrepreneurial development
4 services;
- 5 g. Provide prompt and appropriate response to global emergencies or crisis
6 situations affecting Filipino nationals;
- 7 h. Manage cases of, and provide psychosocial services to, OFWs and other
8 OFs in distress, such as victims of trafficking or illegal recruitment, rape or
9 sexual abuse, maltreatment and other forms of physical or mental abuse
10 and cases of abandoned or neglected children;
- 11 i. Regularly update the online database system provided under Section 19 of
12 this Act to facilitate and ensure the delivery of appropriate, timely and
13 effective welfare services to OFWs and other OFs and their families;
- 14 j. Facilitate the repatriation of distressed OFWs and other OFs, and their
15 families, including shipment of remains and personal belongings;
- 16 k. Verify the whereabouts and condition of OFWs and other OFs;
- 17 l. Provide assistance, legal or otherwise in criminal, immigration and other
18 cases filed by or against OFWs and other OFs, whether detained or not;
- 19 m. Provide appropriate assistance to victims of illegal recruitment and
20 trafficking in persons, kidnapping, hostage victims and other victims of
21 other crimes;
- 22 n. Conduct hospital visitation, and provide necessary assistance until the full
23 recovery of the OFW and other OF concerned, where practicable and
24 appropriate; and

1 o. Perform other functions and responsibilities as may be assigned by the
2 Secretary.

3 The qualifications, hiring and selection, continuous training and education,
4 merit promotion system, and rotation system for deployment and recall of MWO
5 Office Officers shall also be established by the Department, in accordance with existing
6 civil service rules and regulations.

7 The MWO Office Officers who are deployed at Posts shall be designated as
8 attachés, subject to prior clearance from the Secretary of Foreign Affairs. The MWO
9 Office shall be headed by a MWO Office Head, to be designated by the Secretary
10 among the qualified MWO Office Officers. The MWO Office Head shall have an
11 assimilated rank of Counsellor.

12 In all cases, all incidents relating to provision of ATN and other services shall
13 be consistent with the implementation of the One Country-Team Approach. To this
14 end, the functions of the MWO Office shall complement the diplomatic and consular
15 functions of the DFA.

16 The deployment and performance of the MWO Office Officers to Philippine
17 Foreign Service Posts shall be governed by the Philippine Foreign Service Act of 1991,
18 Vienna Convention on Consular Relations, the Vienna Convention on Diplomatic
19 Relations and the rules and regulations imposed by the receiving State.

20 For the avoidance of doubt, the OWWA shall form part of the migration team
21 of the MWO Office.

22 **Sec. 16. Migrant Workers and Other Overseas Filipinos Resource**
23 **Center (MWOOFRC).** – The Migrant Workers and Other Overseas Filipinos Resource
24 Center (MWOOFRC) shall absorb all the powers and functions of the Migrant Workers
25 and Other Filipinos Resource Center as provided under the Migrant Workers and
26 Overseas Filipinos Act, as amended. The MWOOFRC shall be under the Department,

1 and shall, in addition to its functions under existing laws and regulations, provide
2 temporary shelters to distressed OFWs and other OFs.

3 The day-to-day operations and activities of the Center shall be supervised and
4 coordinated by the MWOFF Office Head who shall keep the Chief of Mission informed
5 and updated on all matters affecting it with a written report submitted at least
6 quarterly.

7 **SEC. 17. Full-Cycle National Reintegration Program.** – The Department
8 shall develop and implement a full-cycle and comprehensive national reintegration
9 program for both documented and undocumented OFWs and other OFs, which shall
10 be embedded in all stages of migration for work beginning from pre-deployment, on-
11 site during employment and upon return, whether voluntary or involuntary. The
12 reintegration program shall cover the different dimensions of support needed by the
13 OFW and other OFs such as economic, social, psychosocial, and cultural, including
14 skills certification and recognition of equivalency for effective employment services,
15 and shall ensure contribution to national development through investments and
16 transfer of technology from skilled or professional OFWs and other OFs. For this
17 purpose, the National Reintegration Center for Overseas Filipino Workers (NRCO),
18 hereinafter renamed as the National Reintegration Center for Overseas Filipino
19 Workers and Other Overseas Filipinos (NRCOO), shall serve as the lead office of the
20 Department and shall coordinate all OFW training, programs and services of TESDA,
21 Department of Trade and Industry (DTI), Department of Agriculture (DA), the
22 Department of Science and Technology (DOST), DOLE, among others.

23 **Sec. 18. One Country Team Approach.** – In the performance of their
24 functions abroad, MWOFF Office Officers shall adhere to the One Country Team
25 Approach, wherein all officers, representatives, and personnel of the Philippine
26 government posted abroad, regardless of their mother agencies shall, on a per country
27 basis, act as one country-team with a mission under the leadership of the Ambassador
28 or the Consul General. In this regard, the Ambassador or the Consul General acting
29 as Head of Post, through the Secretary of the DFA, may recommend to the Secretary

1 the recall of officers, representatives, and personnel of the Department posted abroad
2 for misbehavior, misconduct or commission of other acts which may be deemed
3 prejudicial or inimical to the national interest or in case of failure to provide the
4 necessary services to protect the rights of OFWs and other OFs or to perform the
5 duties and responsibilities required of MWOFF Office Officers as provided under this
6 Act.

7 Upon request of the Secretary of Foreign Affairs, the Secretary of the
8 Department shall recall the concerned MWOFF Office Officer.

9 **Sec. 19. Management Information System.** – The Department shall
10 establish, in cooperation with other government agencies concerned, a computer-
11 based management information system, with due regard to the provisions of Republic
12 Act No. 10173 or the Data Privacy Act of 2012, on OFWs and other OFs, including
13 their basic profile, destination countries, skills, experience, professional capabilities, to
14 support its operations and as well as to have a source of relevant data for programs
15 and policy formulation. Each office of the Department may likewise create and
16 maintain its own relevant database, as it deems necessary; Provided, that these
17 databases are integrated into the Department’s main management information
18 system. The management information system shall also serve as the registry of skills
19 of OFWs and other OFs, which shall, as far as practicable, be congruent with the
20 national industrialization and national employment program of the DOLE, the
21 Department of Trade and Industry (DTI), the Department of Public Works and
22 Highways (DPWH), the Department of Agriculture (DA), the Department of Tourism
23 (DOT) and the NEDA.

24 **Sec. 20. Transfer of Agencies and Functions.** – The following agencies are
25 hereby merged and transferred to the Department, and their powers and functions
26 subsumed to the Department which shall assume and perform all their powers and
27 functions:

- 1 a. The POEA, as created under the Executive Act No. 247 and The Migrant
2 Workers and Overseas Filipinos Act, as amended;
- 3 b. The Office of the Undersecretary for Migrant Workers' Affairs (OUMWA) of the
4 DFA as provided under The Migrant Workers and Overseas Filipinos Act, as
5 amended;
- 6 c. The Commission on Filipino Overseas (CFO) under the Office of the President;
- 7 d. All Philippine Overseas Labor Offices (POLO) under the DOLE;
- 8 e. The International Labor Affairs Bureau (ILAB) under the DOLE, subject to
9 Section 8(d) of this Act;
- 10 f. The National Reintegration Center for OFWs (NRCO) under the OWWA;
- 11 g. The National Maritime Polytechnic (NMP) under the DOLE; and
- 12 h. The International Social Services Office (ISSO) under the DSWD.

13 **Sec. 21. Attached Agencies.** - The OWWA, created under the Overseas
14 Workers Welfare Administration Act, is hereby attached to the Department for
15 purposes of policy and program coordination. Except as provided under this Act, the
16 OWWA shall continue to function in accordance with its charter. The OWWA Fund is
17 hereby declared a Provident Trust Fund, which shall be used exclusively to provide
18 retirement, death and disability benefits to OFWs. The Secretary shall replace the
19 Secretary of Labor and Employment as member of the OWWA Board of Trustees and
20 shall act as Chairperson of the OWWA Board. For the avoidance of doubt, the DOLE
21 Secretary shall remain as a member of the Board.

22 The decisions, orders, resolutions, and judgments on appeal by the Department
23 shall be appealable to the Court of Appeals in accordance with the Rules of Court.

1 Five (5) years after the effectivity of this Act, the Department shall conduct a
2 thorough review of the administration, operations, and functions of OWWA as an
3 attached agency of the Department. From its evaluation, the Department may propose
4 and recommend the necessary changes, legislative or administrative, to fulfill its
5 mandate and the objectives of this Act.

6 **Sec. 22. *Reorganization and Other Transitory Provisions.*** – In the
7 transfer of functions of affected agencies under this Act, the following rules shall
8 apply:

9 a. Any transfer of entities shall include the functions, appropriations, funds,
10 records, equipment, facilities, other properties, assets, and liabilities of the
11 transferred entity as well as the personnel thereof as may be necessary, who
12 shall, in a holdover capacity, continue to perform their respective duties and
13 responsibilities and receive the corresponding salaries and benefits, unless in
14 the meantime they are separated from government service pursuant to existing
15 laws. Those personnel from the transferred entity whose positions are not
16 included in the new position structure and staffing pattern approved by the
17 Secretary or who are not reappointed shall be entitled to the benefits provided
18 in the second paragraph of Section 23 hereof;

19 b. Any transfer of functions which results in the subsuming of the entity that has
20 exercised such transferred functions shall include, as may be necessary to the
21 proper discharge of the transferred functions, the appropriations, funds,
22 records, equipment, facilities, other assets, and personnel of the entity from
23 which such functions have been transferred. The remaining appropriations and
24 funds shall revert to the General Fund and the remaining records, equipment,
25 facilities, and other assets shall be allocated to such appropriate units as the
26 Secretary shall determine, or otherwise shall be disposed of, in accordance with
27 pertinent laws, rules and regulations. The liabilities, if any, of the subsumed
28 entity shall be treated in accordance with pertinent laws, rules and regulations.
29 Incumbents of the subsumed entity shall, in a holdover capacity, continue to

1 perform their respective duties and responsibilities and receive the
2 corresponding salaries and benefits unless in the meantime they are separated
3 from government service, pursuant to existing laws. Any such personnel whose
4 position is not included in the new position structure and staffing pattern
5 approved by the Secretary or who is not reappointed shall be entitled to the
6 benefits provided in Section 23 hereof; and

7 c. Any transfer of functions which does not result in the subsuming of the entity
8 that has exercised such transferred functions shall include the appropriations,
9 funds, records, equipment, facilities, other assets as well as the personnel of
10 the entity from which such functions have been transferred that are necessary
11 to the proper discharge of such transferred functions. The liabilities, if any,
12 which have been incurred in connection with the discharge of the transferred
13 functions, shall be allocated in accordance with pertinent laws, rules and
14 regulations. Such personnel shall, in a holdover capacity, continue to perform
15 their respective duties and responsibilities and receive the corresponding
16 salaries and benefits unless in the meantime they are separated from
17 government service pursuant to existing laws. Any such personnel whose
18 position is not included in the new position structure and staffing pattern
19 approved by the Secretary or who is not reappointed shall be entitled to the
20 benefits under applicable laws, rules and regulations.

21 **Sec. 23. Absorption, Separation, and Retirement from Service.** – The
22 existing employees of the transferred and subsumed agencies under this Act shall
23 enjoy security of tenure and shall be absorbed by the Department, in accordance with
24 their staffing patterns and the selection process as prescribed under Republic Act. No.
25 6656 or the Government Reorganization Law.

26 Employees who are affected by the creation of the Department and are
27 separated from service within six (6) months from the effectivity of this Act as a result
28 of the organization and reorganization under this Act shall receive separation benefits
29 under the Government Reorganization Law, and other applicable laws, rules and

1 regulations: *Provided*, That those who are qualified to retire and receive retirement
2 benefits under existing retirement laws shall be allowed to retire. Detailed, transferred,
3 or seconded career personnel to the Department from transferred or subsumed
4 entities or any government entity shall neither lose seniority in rank or status, nor
5 suffer any diminution of their salaries, allowances, or other privileges and
6 entitlements.

7 The foregoing separated employees shall also receive additional separation
8 incentives, as follows:

- 9 a. Fifty percent (50%) of the actual monthly basic salary for every year of service,
10 for those who have rendered less than eleven (11) years of service;
- 11 b. Seventy-five percent (75%) of the actual monthly basic salary for every year
12 of service computed starting from the first (1st) year, for those who have
13 rendered eleven (11) to less than twenty-one (21) years of service;
- 14 c. The actual monthly basic salary for every year of service, computed starting
15 from the first (1st) year, for those who have rendered twenty-one (21) to less
16 than thirty-one (31) years of service; and
- 17 d. One hundred twenty five percent (125%) of the actual monthly basic salary for
18 every year of service, computed starting from the first (1st) year, for those who
19 have rendered thirty-one (31) years of service and above.

20 *Provided*, That personnel who will be separated from the service as a result of
21 the rationalization of the existing offices and will avail themselves of the incentives
22 shall not be reemployed in any agency of the Executive Branch for a period of five (5)
23 years, except as a teaching or medical staff in educational institutions and hospitals,
24 respectively: *Provided*, further, That retired or separated personnel who are
25 reemployed within the prohibited period shall refund the separation incentives
26 received on a pro-rated basis: *Provided*, finally, That retired or separated personnel

1 who will undertake consultancy services for the government shall be governed by
2 Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials
3 and Employees.

4 For purposes of the additional separation incentives, the actual monthly basic
5 salary shall refer to the salary of the affected personnel as of the date of approval of
6 the Department's organizational structure and staffing pattern by the DBM.

7 **Sec. 24. Transition Period.** – The transfer of functions, assets, funds,
8 equipment, properties, transactions, and personnel of the affected agencies, and the
9 formulation of the internal organic structure, staffing pattern, operating system, and
10 revised budget of the Department, shall be completed within one (1) year from the
11 effectivity of this Act: *Provided*, That within this period, the existing personnel of all
12 subsumed entities shall continue to assume their posts on holdover capacities until
13 new appointments or a new staffing pattern shall have been issued: *Provided*, further,
14 That after the organization and rationalization process, the Department, in
15 coordination with the DBM, shall determine and create new positions, the funding
16 requirements of which shall not exceed the equivalent cost of the positions subsumed.

17 **Sec. 25. Coordination with the Bangsamoro Ministry of Labor and**
18 **Employment.** – In order to avoid overlapping of functions, the Department shall
19 closely coordinate with the Bangsamoro Ministry of Labor and Employment on the
20 training, protection and deployment of overseas Bangsamoro workers.

21 **Sec. 26. Congressional Oversight Committee and Submission of**
22 **Annual Reports.** – There shall be created a Congressional Oversight Committee on
23 Migrant Workers and Overseas Filipinos to monitor and oversee the implementation
24 of the provisions of this Act.

25 The Committee shall be composed of six (6) members from the Senate and six
26 (6) members from the House of Representatives with the Chairperson of the
27 Committee on Overseas Workers Affairs of the House of Representatives and

1 Committee on Labor, Employment and Human Resources Development of the Senate
2 as Co-chairpersons of this Committee. The other members from each Chamber are to
3 be designated by the Senate President and the Speaker of the House of
4 Representatives, respectively. The minority shall be entitled to *pro rata* representation
5 but shall have at least two (2) representatives from each Chamber.

6 In addition, the Department shall submit an annual report to the Congressional
7 Oversight Committee within thirty (30) days from the end of each calendar year,
8 detailing the number of OFWs and other OFs in each country and/or region, a status
9 report of their situations, including the problems and issues they encountered, and
10 such other relevant information to properly inform the public and the policymakers of
11 the performance of the Department and the situation of OFWs and other OFs around
12 the world.

13 **Sec. 27. Appropriations.** – The amount needed for the initial implementation
14 of this Act shall be taken from the current year's appropriations of the agencies,
15 entities, divisions, sections or bodies subsumed or transferred to the Department by
16 virtue of this Act. Thereafter, such sums, as may be necessary for its continued
17 implementation, shall be included in the annual General Appropriations Act.

18 **Sec. 28. Mandatory Review.** – Ten (10) years after the effectivity of this
19 Act, or as the need arises, the Congressional Oversight Committee shall conduct a
20 systematic evaluation of the accomplishments and impact of this Act, as well as the
21 performance and organizational structure of its implementing agencies, for purposes
22 of determining remedial legislation.

23 Ten (10) years from the creation of this Department, the Congressional
24 Oversight Committee may recommend the abolition of the Department should
25 circumstances prove that there is no more need for its existence. The relevance and
26 practicality of maintaining the Department shall be reviewed every five (5) years after
27 the ten (10) year mandatory review period.

1 **Sec. 29. *Implementing Rules and Regulations.*** – The Department, in
2 coordination with the affected agencies provided under this Act, and the Department
3 of Finance, the DFA, DBM, DOLE, CSC, NEDA, PSA, OWWA, TESDA, DepEd, CHED,
4 MARINA and the Office of the Presidential Adviser on OFWs (OPA-OFW), and upon
5 consultation with relevant stakeholders, shall, within sixty (60) days after the
6 effectivity of this Act, promulgate such rules and regulations necessary to implement
7 this Act.

8 **Sec. 30. *Separability Clause.*** – Should any provision of this Act or part
9 thereof be declared unconstitutional, the other provisions or parts not affected thereby
10 shall remain valid and effective.

11 **Sec. 31. *Repealing Clause.*** – All other laws, decrees, orders, rules and
12 regulations or parts thereof inconsistent with this Act are hereby repealed or modified
13 accordingly.

14 **Sec. 32. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
15 complete publication in the Official Gazette and in at least two (2) newspapers of
16 general circulation.

Approved,